



Code of Conduct: Business Integrity

# GROUP ANTI-TAX EVASION POLICY

Valid from:	16/11/2022
Policy owner:	Group Director – Finance



**“Our Policies guide us  
to do the right thing.”**

Chief Executive

## 1. Context

Anglo American is a trusted company and seeks to ensure that it builds and maintains trust with its business partners and with the communities in which it operates. Our Code of Conduct includes our commitment to compliance with relevant tax laws in all the jurisdictions in which we operate, reflecting our values of integrity and accountability.

Our commitment includes a zero-tolerance approach to tax evasion and the facilitation of tax evasion. The purpose of the Group Anti-Tax Evasion Policy (“the Policy”) is to set Anglo American’s (“the Group”, “we”) approach to preventing the facilitation of tax evasion by associated persons in respect of these laws as they apply to our worldwide activities. The Policy:

- Sets out our responsibilities, and the responsibilities of those working for us, in observing and upholding our position on preventing the criminal facilitation of tax evasion.
- Provides information and guidance to those working for us on how to recognise and prevent tax evasion from being facilitated.
- Describes the consequences of non-compliance with the Policy.

For ease of reading, we use generic language in describing the Group, and this is explained further under “Terms” at the end of this document.

## 2. Does this apply to me?

This Policy applies to all persons acting in the capacity of a person associated of the Group. A person is “associated” with the Group if that person is an employee, agent or other person who performs services for or on behalf of the Group, including:

- a) Employees at all levels.
- b) Directors and Officers.
- c) Employees, directors and officers, agents and associates of Subsidiary companies.
- d) Employees, directors and officers, agents and associates of Joint ventures (both incorporated and unincorporated).
- e) Employees, directors and officers, agents and associates of any Branch within the Group.
- f) Agency workers.
- g) Seconded workers.
- h) Volunteers.
- i) Interns.
- j) Agents/intermediaries.
- k) Contractors.
- l) External consultants.
- m) Third-party representatives and business partners.
- n) Sponsors.
- o) Any other person associated with the Group, wherever located.

This is a Group Policy that applies to Anglo American globally, unless any aspect of the Policy is not permitted by local law or regulation.

### 3. What do I need to know?

#### What is Tax Evasion?

Tax evasion means the deliberate and dishonest attempt to avoid the payment of tax which is legally due and will generally be subject to criminal charges and penalties. This Policy encompasses all statutory offences that involve deliberately and dishonestly cheating the public revenue, regardless of the category of tax which to the offence applies.

Tax evasion is not the same as tax avoidance or tax planning. **Tax evasion involves deliberate and dishonest conduct.**

Tax avoidance is not the same as tax evasion and it is not illegal (as it involves taking steps within the law to minimise tax payable or maximise tax reliefs). The Group, in accordance with its published Group Tax Strategy, has strong governance controls to manage tax, and this may mean that steps are taken to ensure that tax risks and liabilities are managed. Our strategy is built upon principles that determine how these exposures should be managed, and it is the responsibility of Group Tax to interpret these principles in complex scenarios. Broadly, the principles confirm that the Group will only undertake transactions that are aligned with business activity, and does not implement transactions which are not – and do not appear to be – artificial or contrived with the sole objective of achieving a tax advantage. The strategy also confirms that we must respect both the letter and spirit of the law in determining the right amount of tax to pay – and that we do not take an aggressive approach to tax planning.

Other stakeholders may take different approaches to tax that are not aligned with our Tax Strategy, but these may not constitute tax evasion if they do not involve deliberate and dishonest conduct.

While the purpose of this policy is to ensure that you are aware of obligations to report tax evasion, ensuring that the Group is compliant with our Tax Strategy is also important, and you should seek to discuss with Group Tax wherever:

- You are unclear whether actions observed within the group or by an associated person (see below) constitute tax evasion or tax avoidance.
- You have any other concerns that the Group may be deliberately or inadvertently avoiding taxes in a way that is not aligned with our Tax Strategy.

In this Policy, all references to tax include all worldwide taxes and social security contributions.

#### What is Tax Evasion Facilitation?

**Tax evasion facilitation** means being knowingly concerned in, or taking steps with a view to, the fraudulent evasion of tax (whether UK tax or tax in another country) by another person, or aiding, abetting, counselling or procuring the commission of that offence. Tax evasion facilitation can be a criminal offence, where it is done deliberately and dishonestly.

## What is Corporate Criminal Offence?

As an employer, if we fail to take reasonable steps to prevent our employees and associated persons from facilitating tax evasion on company business, **we can face criminal sanctions including an unlimited fine, as well as exclusion from tendering for public contracts and damage to our reputation.**

Under the UK Criminal Finances Act 2017, a separate criminal offence is automatically committed by a corporate entity or partnership where the tax evasion is facilitated by a person acting in the capacity of an “associated person” (as defined in the section “Does this apply to me?”) to that body. For the offence to be committed the associated person must deliberately and dishonestly take action to facilitate the tax evasion. The company does not have to have deliberately and dishonestly facilitated the tax evasion itself; the fact that the associated person has done so creates the liability for the company.

## What is our approach to managing tax evasion?

The Group undertakes risk assessments in respect of the application of the specific obligations set out in the Criminal Finances Act 2017 to the Group’s worldwide activities. The Group develops policies, procedures and controls which are responsive to these risks.

Periodic communication about the requirements of this Policy and its ongoing compliance requirements may be issued to all associated persons.

General and Group-wide training on this Policy is included as part of Group’s Code of Conduct training.

Specific training on this Policy and its ongoing compliance requirements is provided to individuals whose roles and responsibilities are assessed as medium or higher- risk in the context of the facilitation of tax evasion.

## 4. What do I need to do?

### Compliance is mandatory

Given the potential consequences for breach of the Criminal Finances Act compliance, this Policy is mandatory. There is no exhaustive list of tax evasion opportunities; the best defence against tax evasion, the facilitation of tax evasion, and in turn the Criminal Finances Act 2017, remains the vigilance of our associated persons and the clear whistleblowing procedures YourVoice. A list of scenarios that may raise concerns related to potential tax evasion is included in Appendix 1 (“Non-exhaustive list of scenarios that may raise concerns related to potential tax evasion”), which is published on Eureka!.

It is each associated person’s responsibility to ensure that their conduct does not result in the facilitation of tax evasion by any party. Managers have additional responsibilities to identify if the activities of their team members might give rise to tax facilitation risk and to take appropriate action to mitigate those risks. Failure to comply with the Policy and/or applicable laws will lead to disciplinary proceedings, which may include termination of employment or engagement, in compliance with the local laws.

Any breaches of the applicable laws may also be reported to the relevant authorities which can be followed by prosecution and/or a fine, as applicable by the law in force.

### Training

The Group ensures that associated persons are provided with appropriate guidance on how to comply with this Policy.

If you are nominated to undertake training on the prevention of the facilitation of tax evasion, then you are required to undertake the training and associated tests timeously and at the frequency specified by Group Tax.

## 5. Monitoring and reporting

### Monitoring

The parties responsible for ensuring, and overseeing, compliance with this Policy are as follows:

- Business Units and Group Functions are responsible for ensuring compliance with this Policy.
- The Group Tax team are responsible for providing complementary expertise, support, monitoring, and challenge relating to compliance with this Policy.
- Internal Audit are responsible for providing independent assurance on the adequacy and effectiveness of the Policy controls in meeting the Policy objectives.

### Prevention, detection and reporting

The prevention, detection and reporting of tax evasion are the responsibility of all those working for Group or under Group's control or supervision. You are required to avoid any activity that might lead to, or suggest, a breach of this Policy.

If you have any questions or concerns about this policy, or an activity or request that you suspect may constitute a breach, you must consult with Group Tax before proceeding with the activity involved.

If you believe or suspect that a conflict with this Policy has occurred (regarding tax evasion, the facilitation of tax evasion and or tax avoidance), or may occur in the future, you must notify your line manager, Group Tax, Group Legal or the YourVoice whistleblowing service as soon as possible.

### Consequences of breach

People are held accountable for their behaviour when working for or on behalf of Anglo American, and appropriate action is taken where behaviour is inconsistent with the Code of Conduct, group policies and procedures and related documentation. Consequences depend on the circumstances, and could range from a warning to dismissal, as per our Accountability Framework (see Group Accountability Policy) and subject to applicable laws.

## 6. Further information

### Terms

Term	Explanation
Anglo American”, the “Anglo American Group”, the “Group”, “we”, “us”, and “our”	In this Policy, and any related procedures or standards, references to “Anglo American”, the “Anglo American Group”, the “Group”, “we”, “us”, and “our” are to refer to either Anglo American plc and its subsidiaries and/or those who work for them generally, or where it is not necessary to refer to a particular entity, entities or persons. The use of those generic terms is for convenience only, and is in no way indicative of how the Anglo American Group or any entity within it is structured, managed or controlled. Anglo American subsidiaries, and their management, are responsible for their own day-to-day operations, including but not limited to securing and maintaining all relevant licenses and permits, operational adaptation and implementation of Group policies, management, training and any applicable local grievance mechanisms. Anglo American produces group-wide policies and procedures to ensure best uniform practices and standardisation across the Anglo American Group but is not responsible for the day to day implementation of such policies. Such policies and procedures constitute prescribed minimum standards only. Group operating subsidiaries are responsible for adapting those policies and procedures to reflect local conditions where appropriate, and for implementation, oversight and monitoring within their specific businesses.

### Internal References

- [Group’s Code of Conduct](#)
- [Group Tax Strategy](#)
- [Appendix 1](#): Non-exhaustive list of scenarios that may raise concerns related to potential tax evasion

### External References

Should you require more guidance on our external obligations, the following additional resources are available to you:

- [UK Criminal Finances Act 2017](#)
- [HMRC guidance](#)



## Revision history

Policy governance commitment:

<b>Version number:</b>	3
<b>Approval date by PGC:</b>	02/10/2022
<b>Approval by CorpCo:</b>	02/10/2022

## Document control

<b>Frequency of Policy review after date of issue:</b>	Every 3 years
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If this Policy has one or more approved waivers in place:

<b>No.:</b>	N/A
<b>Waiver applies to:</b>	N/A
<b>Waiver in place from:</b>	N/A
<b>Expiration of waiver:</b>	N/A
<b>Date waiver approved:</b>	N/A

The following changes have been made since this document was previously issued:

<b>Old Policy name:</b>	Group Anti-Tax Evasion Policy
<b>Old Policy date:</b>	2/10/2020
<b>Old Policy version number:</b>	2
<b>Main changes made:</b>	Review period amended to every 3 years (from every 2 years).